

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

William Soler Justice, *
*
Plaintiff, *
v. * Civil No. 1:20-cv-00517-PB
*
Christopher T. Sununu, et al., *
*
Defendants. *

**DEFENDANTS’ OBJECTION TO PLAINTIFF’S
MOTION TO “REINSERT REQUEST FOR INJUNCTION”**

Defendants Helen Hanks, Paula Mattis, Deborah Robinson, Carlene Ferrier, Frank Logan, III, Joshua Deblois, and Randal Carver, by and through the New Hampshire Office of the Attorney General as counsel, hereby object to [98] Plaintiff’s motion to “reinsert” his request for injunction that prevents the State of New Hampshire “from placing civilly committed non-convicted patients in NHDOC SPU.” In support of this objection, Defendants state the following:

1. At the initiation of this action, the Court conducted preliminary review of Plaintiff’s complaint pursuant to 28 U.S.C § 1915(e)(2) and LR 4.3(d)(2). (*See* ECF No. 29). This included review of Plaintiff’s request for injunctive relief whereby Plaintiff “ask[ed] the Court to prohibit the defendants from continuing to confine civilly committed individuals to either the SPU or to any another [sic] penal institution.” (*Id.* at 33).

2. By way of its Amended Report and Recommendation of December 2, 2022 (the “Amended R&R”), the Court (*Johnstone*, M.J.) noted that it was construing Plaintiff’s request for injunctive relief “to have been brought only on his own behalf” since “[a]s a self-represented

non-attorney plaintiff, [Plaintiff] may not litigate claims on behalf of anyone but himself.” (*Id.* (citing 28 U.S.C. § 1654, and LR 83.2(d)). The Court then recommended denying Plaintiff’s request for injunctive relief as moot on the basis that “[s]ince filing that request, [Plaintiff] has been transferred from the SPU to NHH[.]” (*Id.*). Plaintiff did not file an objection to the Amended R&R, which the Court (*Barbadoro, J.*) granted by order of January 12, 2023. (*See* ECF No. 31).

3. Despite having not objected to the dismissal of his request for injunctive relief, Plaintiff now moves to “reinsert” it into this action. (*See* ECF No. 98). According to Plaintiff, the request is not moot because even though he is conditionally discharged it is possible that “at anytime in the next 4 years [he] can be returned to SPU.” (*Id.* at 1).

4. But this circumstance is no different than when the Court previously ruled the request was moot. Moreover, Plaintiff’s reiteration of his request for relief for the class of all “civilly committed non-convicted patients” overlooks the Court’s clear explanation that he cannot pursue such relief as a self-represented non-attorney plaintiff.

5. For these reasons, Plaintiff’s requests that his “injunction request be reinstated to this lawsuit” should be denied.

WHEREFORE, Defendants respectfully request that this Honorable Court:

- A. Deny Plaintiff’s motion to “reinsert [his] request for injunction to prevent the state of NH from placing civilly committed non-convicted patients in NHDOC SPU”; and
- B. Grant any further relief as justice so requires.

Respectfully submitted,

COMMISSIONER HELEN HANKS, PAULA MATTIS,
DEBORAH ROBINSON, CARLENE FERRIER, FRANK
LOGAN, III, JOSHUA DEBLOIS, AND RANDAL CARVER

By their attorney,

JOHN M. FORMELLA
ATTORNEY GENERAL

Dated: February 26, 2024

/s/ Nathan W. Kenison-Marvin
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by ECF to counsel of record and was mailed to Plaintiff at 51 Storrs St., #310, Concord, NH 03301 on the morning of February 27, 2024.

Dated: February 26, 2024

/s/ Nathan W. Kenison-Marvin
Nathan W. Kenison-Marvin